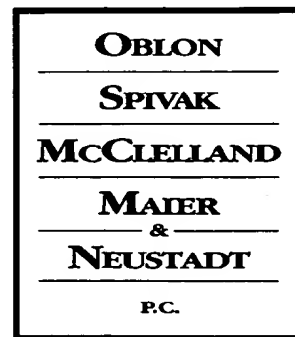


07/229,489

DAC



COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

JOHN D. DELLINGER  
(703) 413-3000  
JDELLINGER@OBLON.COM

RE: Patent No.: 4,935,507  
Applicants: Takaya, et al.  
Filing Date: 08/08/1988  
For: Crystalline 7-(2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetamido)-3-vinyl-3-cephem-4-carboxylic acid (syn isomer)

SIR:

Attached hereto for filing are the following papers:

**Letter Regarding Patent Term Extension**

No fee is believed to be due. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
John D. Dellinger

Registration No. 50,436

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Patent Number: 4,935,507

Assignee: Fujisawa Pharmaceutical Co., Ltd.

Issue Date: June 19, 1990

Title: CRYSTALLINE 7-[2-(2-AMINOTHIAZOL-4-YL)-2-HYDROXYIMINOACETAMIDO]-3-VINYL-3-CEPHEM-4-CARBOXYLIC ACID (SYN ISOMER)

**LETTER REGARDING PATENT TERM EXTENSION FOR  
UNITED STATES PATENT NUMBER 4,935,507**

Mary C. Till  
Legal Advisor  
United States Patent and Trademark Office  
Office of Patent Legal Administration  
600 Dulany Street  
Madison West  
Room 7D55  
Alexandria, Virginia 22314

Dear Ms. Till:

Pursuant to a conversation with Karin L. Ferriter on June 27, 2006, Oblon, Spivak, McClelland, Maier & Neustadt, as attorneys of record for U.S. Patent No. 4,935,507 ("the '507 patent"), hereby submit this letter to the USPTO to correct an informality in the Application for Extension of Term of U.S. Patent No. 4,935,507 Omnicef® (cefdinir oral suspension).

The Application for Extension of Patent Term Under 35 U.S.C. § 156 was filed on January 27, 1998, and the Certificate Extending Patent Term Under 35 U.S.C. § 156 was issued on January 19, 2001. Consistent with 35 U.S.C. § 156(d)(1)(B) and 37 CFR 1.740(a)(9), the § 156 Application identified Claim 1 as a claim of the '507 patent which claims the approved product. However, inconsistent with 35 U.S.C. § 156(d)(1)(B) and 37 CFR 1.740(a)(9), the § 156 Application did not list Claims 2-5 of the '507 patent, which also cover the approved product.

It appears that only Claim 1 was identified in the § 156 Application in accordance with 37 CFR 1.740(a)(9), which, in part, requires that the § 156 Application need only explain how one product claim of the patent claims the approved product. See MPEP Section 2753. It further appears that the failure to list Claims 2-5 of the '507 patent in the § 156 Application was done in

error and without deceptive intent. Applicants hereby correct the Application for Patent Term Extension for the '507 patent to expressly identify Claims 2-5 as claiming the approved product.

Oblon, Spivak, McClelland, Maier & Neustadt hereby submits this letter to comply with the duty of candor and to ensure a complete record of the '507 patent at the USPTO.

Date: September 12, 2006

Respectfully,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
John D. Dellinger  
Registration No. 50,436

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE**

Patent No. 4,935,507

Patented: June 19, 1990

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Fumiyuki Shirai, Osaka, Japan

Signed and Sealed this Twelfth Day of December 2006.

William R. Dixon, Jr.  
*Special Program Examiner*  
Art Unit 1600

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE**

Patent No. 4,935,507

Patented: June 19, 1990

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Fumiyuki Shirai, Osaka, Japan

Signed and Sealed this Twelfth Day of December 2006.

William R. Dixon, Jr.  
*Special Program Examiner*  
Art Unit 1600

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE**

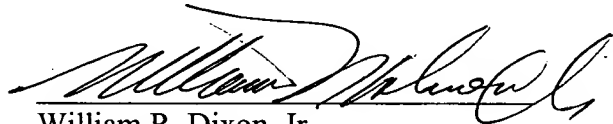
Patent No. 4,935,507

Patented: June 19, 1990

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

~~Yasunobu Inaba~~

Fumiyo Shirai



William R. Dixon, Jr.  
Special Program Examiner  
Technology Center 1600